(19)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. NO. 1434/2005

CORAM : Hon'ble Shri S.R.Nayak, Chief Justice
& Hon'ble Shri Dilip Raosaheb Deshmukh, Judge

Appellants Claimants

-1. Smt. Laxmi Bai Soni, aged about about 28 years W/o Late Shri Manakram Soni,

-2. Shyam Soni, aged about 9 years, S/o Late Shri Manakram Soni,

-3. Ku. Pinki Soni, aged about 6 years, D/o Late Shri Manakram Soni,
(Appellant No.2 & 3 being minor on behalf of through their legal guardian mother the appellant No.1)

All R/o- Khariyarbada, Budhapara, Police Station-City Kotwali, Raipur, District-Raipur (C.G.)

VERSUS.

Respondents Non-Claimants

-1. Raju @ Rajkumar aged about 39 years S/o Ganga @ Gunja Prasad Mendre, R/o-Village-Badaipara, Bazar Road, Kharora, Tehsil & District-Raipur (C.G.)

02. Smt. Shamim Bano, W/o Shri Bashir Ali, R/o- Near House of Abbas Khan, Moudhapara, Raipur, Tehsil & District-Raipur (C.G.)

03. The New India Insurance Company Limited, Through Divisional Manager, Divisional Office-2, RDA Building, Raipur, District-Raipur (C.G.)

Shri Shivendu Pandya, learned Counsel for the appellants.

Shri A.K.Gupta, Counsel assisting Shri Sri Kumar Agrawal, Senior Counsel for the respondent No.3.

ORAL ORDER
(Passed on 18th January, 2006)

The Following order of the Court was passed by S.R.NAYAK, C.J.

1. The appellants are the claimants in a death case. In this appeal, the only ground urged before us was that what is awarded under the conventional heads i.e. " loss of consortium" and "loss of love and affection" is on lower side and that the M.A.C.T. is not justified in not awarding any compensation under the other conventional head of "loss of estate". It is well settled that even the compensation to be awarded by the M.A.C.T. under the conventional heads should reflect the time and place of the accident and the steep fall in the money value in recent years. It cannot be static for all times.

2. In that view of the matter, we award a sum of Rs. 25,000/- towards "loss of consortium" to the widow and Rs. 25,000/- to the minor children of the deceased towards "loss of love and affection". We also award a sum of Rs. 25,000/- towards "loss of estate". The impugned award shall stand modified in the above terms. The appeal is allowed to the above extent. The parties shall bear their respective costs.

Sd/-
CHIEF JUSTICE

Sd/-
Dilip Raosaheb Deshmukh
Judge